

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Chapter 7

DANIEL E. LEE,

Case No. 18-10212 (MEW)

Debtor.

**STIPULATION AND ORDER: (I) PROVIDING FOR DISMISSAL
OF THE DEBTOR'S CHAPTER 7 CASE; (II) PROVIDING FOR PAYMENT
OF ADMINISTRATIVE CLAIMS; AND (III) DIRECTING THE CLERK OF THE
COURT TO VACATE THE DEBTOR'S DISCHARGE**

WHEREAS, on January 29, 2018 (the “Petition Date”), Daniel E. Lee, the debtor (the “Debtor”), filed a petition for relief under Chapter 7 of the United States Bankruptcy Code (the “Bankruptcy Code”); and

WHEREAS, on February 1, 2018, Robert L. Geltzer was appointed as interim Chapter 7 trustee of the Debtor, and thereafter qualified and became permanent Trustee (the “Trustee”) of the Debtor pursuant to Section 702(d) of the Bankruptcy Code and by operation of law; and

WHEREAS, on March 27, 2018, the Trustee examined the Debtor at the Bankruptcy Code Section 341 meeting; and

WHEREAS, on March 27, 2018, the Court entered an order extending the time to object to the Debtor’s discharge through July 2, 2018; and

WHEREAS, pursuant to the Trustee’s requests, the Debtor produced some, but not all of his books and records to the Trustee; and

WHEREAS, on April 10, 2018, the Debtor’s largest creditor, Sutton 58 Associates LLC (“Sutton”), whose claim is in excess of \$24 million, filed a motion (the

“Creditor Motion”) for: (i) a Bankruptcy Rule 2004 examination of the Debtor; (ii) for the production of various documents; and (iii) to extend the time to file a complaint to determine the dischargeability of its debt, or to object to discharge; and

WHEREAS, subsequent to the Creditor Motion, counsel for the Trustee advised Sutton’s counsel that the Trustee’s accountant was in possession of some, but not all, of the Debtor’s books and records and that Sutton may examine those books and records; and

WHEREAS, on May 30, 2018, the Debtor moved to dismiss his case; and

WHEREAS, on June 6, 2018, the Court entered orders: (i) authorizing the retention of the Law Offices of Robert L. Geltzer, as counsel to the Trustee; and (ii) Andrew W. Plotzker, CPA, as accountant to the Trustee; and

WHEREAS, on June 20, 2018, counsel for the Trustee filed opposition to the Debtor’s motion to dismiss; and

WHEREAS, on July 12, 2018, the Court entered an order granting the Debtor a discharge; and

WHEREAS, on July 17, 2018, the Court held a hearing (the “Hearing”) in connection with Debtor’s motion to dismiss; and

WHEREAS, as a result of discussions at the Hearing between and among the Trustee’s counsel, the Debtor’s counsel, and Sutton’s counsel, the parties hereto have agreed that: (a) the Debtor shall pay to the Trustee the amount of \$7,000.00 within sixty (60) days of the date of this Stipulation from which the Trustee is to distribute to the Trustee’s professionals (the “Administrative Claimants”) their respective amounts on a pro-rata basis as are allowed by the Court upon applications for fees and reimbursement of expenses by the Administrative

Claimants; (b) the Debtor agrees to have his case dismissed with prejudice for a period of two years; (c) the Clerk of the Court shall enter an order vacating the Debtor's discharge from the Court's docket; and (d) the Trustee thereafter shall file with this Court a proposed order closing this case;

NOW THEREFORE, IT IS HEREBY STIPULATED AND ORDERED THAT:

1. Within sixty (60) days of the date of this Stipulation, the Debtor shall pay \$7,000.00 in good funds to the Trustee.
2. The Administrative Claimants shall file with the Court and serve upon Debtor's counsel and the Office of the United States Trustee their respective applications for allowances and payment of their respective fees and reimbursement of expenses.
3. Upon the Trustee's completion of the distributions to each of the Administrative Claimants pursuant to Court Order, the Trustee shall file with the Court a proposed order closing this case.
4. The Debtor's July 12, 2018 discharge is hereby vacated.
5. The Debtor's bankruptcy case shall be dismissed with prejudice for a period of two years.

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5. This Court shall retain jurisdiction to enforce the terms of this Order as against all parties having obligations.

Dated: New York, New York
August 7, 2018

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Daniel E. Lee, Debtor

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Dated: New York, New York
August 13, 2018

/s/ Michael E. Wiles
MICHAEL E. WILES
UNITED STATES BANKRUPTCY JUDGE